

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

PROPOSED AGENDA FOR REGULAR COUNCIL MEETING, COUNCIL CHAMBERS MAY 31, 2005 9:00 A.M.

ROLL CALL

Invocation – Pastor Ponce L. Brown
Pledge of Allegiance

REGULAR AGENDA

1. Sun Metro's drivers authority to complain about "unruly" passengers compared and contrasted with EPISD's Morehead Middle School's authority to complain about unsuitable substitutes. [Jorge Artalejo]
2. Discussion and action on a Motion to expand the open meeting and notification requirements of the City Plan Commission as follows:

Regardless of any wording to the contrary above, the City Plan Commission shall be required to hold an open meeting/hearing on any new action proposed for a parcel/tract that was previously subject to a contested hearing. The petitioner shall be responsible for notifying all previous participants of record (of the contested action(s)) regarding the subject, date and time of the new hearing. [Richard Schecter]
3. Discussion, authority for, and action on the 5.8 million dollars to be refunded to the City of El Paso from El Paso Electric Co. This is also known as Palo Verde Rewards.
[Ray E. Gilbert, Jr.]

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

CONSENT AGENDA

4. **APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Approval of Minutes for the Regular City Council Meeting of May 24, 2005.
5. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

6. RESOLUTIONS:

- 6A.** In accordance with the New-Cooperative Agreement, between the City and County of El Paso, reestablishing the Health District, approval of the amended FY05 Budget and authorization for the City Manager to approve the associated budget transfer recognizing the County's participation (approved by County Commissioners 5-16-05 of \$1.2 million). There is no change to the City's contribution. [City Manager, Joyce A. Wilson, (915) 541-4844; OMB, David Almonte, (915) 541-4011; and El Paso City-County Health and Environmental District, Mark Everett, (915) 771-5702]
- 6B.** Authorizing the City Manager to sign an instrument granting an underground electrical easement and one transformer easement to the El Paso Electric Company for the purpose of providing electrical service to San Clemente Reservoir and Pump Site in west El Paso located at 465 San Clemente Drive in a portion of Lot 17, Block 1, San Clemente Subdivision, El Paso, El Paso County, Texas. **(District 1)**
[El Paso Water Utilities Public Service Board, Robert Andron, (915) 594-5506]
- 6C.** Authorizing the City Manager to sign an instrument granting an underground electrical easement and one transformer easement to the El Paso Electric Company for the purpose of providing electrical service to Northeast Reservoir and Booster Station in northeast El Paso located near Sean Haggerty and McCombs in a portion of Tract 1A, Section 31, Block 80, Township 1, El Paso, El Paso County, Texas. **(District 4)**
[El Paso Water Utilities Public Service Board, Robert Andron, (915) 594-5506]
- 6D.** Authorizing the City Manager to sign an instrument granting an underground electrical easement and one transformer easement to the El Paso Electric Company for the purpose of providing electrical service to Americas Reservoir and Booster Station in east El Paso located at 1260 Southview in a portion of Tract 3B. O.A. Danielson Survey No. 312, El Paso, El Paso County, Texas. **(District 6)** [El Paso Water Utilities Public Service Board, Robert Andron, (915) 594-5506]
- 6E.** That the City Manager be authorized to sign, on behalf of the Parks and Recreation Department, an Agreement with the Sun Bowl Association, providing co-sponsorship by the Parks and Recreation Department for the 2005 Little Caesars Sun Bowl International Soccer Tournament to be held from June 3, 2005, through June 5, 2005, at the soccer fields located at Blackie Cheshier Park, Galatzan Park (a/k/a Westside Park), Sue Young Park, Nations Tobin Park, Todd Ware Park, Sal Berroteran Park (a/k/a Sun Ridge Park), Franklin Park and Dick Shinaut Park, for the purpose of fostering tourism as well as providing recreational, cultural and quality of life benefits to the citizens of El Paso. The City, pursuant to Section 13.24.200, El Paso Municipal Code, will waive the user fee for this tournament. **(Citywide)**
[Parks & Recreation, Norman Merrifield, (915) 541-4331]

7. DISCRETIONARY FUNDS:

- 7A.** Request authorization to allocate \$3,000 from District 8 discretionary funds to the Parks and Recreation Department to assist with the costs of the 2005 Club Rec Program held at the Armijo Recreation Center. **(District 8)**
(ID#01010008, Acct.#504420, Fund 01101, Class 01001)
[Mayor Pro-Tem Anthony W. Cobos, (915) 541-4123]
- 7B.** Request authorization to allocate \$3,000 from District 8 discretionary funds to the Parks and Recreation Department to assist with the development of the "Chihuahuita Community Garden," located on the property known as Block B, Santa Fe Addition to the City of El Paso and a portion of Lot 12, Block D, Santa Fe Addition to the City of El Paso. **(District 8)**
(ID#01010008, Acct.#504420, Fund 01101, Class 01001)
[Mayor Pro-Tem Anthony W. Cobos, (915) 541-4123]
- 7C.** Request authorization to allocate \$3,000 from District 8 discretionary funds to the Arts and Culture Department to assist with the restoration of the murals at the Chihuahuita Neighborhood Area. **(District 8)**
(ID#01010008, Acct.#504420, Fund 01101, Class 01001)
[Mayor Pro-Tem Anthony W. Cobos, (915) 541-4123]

8. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

- 8A.** Catholic Community of Corpus Christi to block off Le Barron between North Loop and Sorbonne on June 3, 2005 from 4:00 p.m. to 1:00 a.m., June 4, 2005 from 5:00 p.m. to 1:00 a.m. and June 5, 2005 from 2:00 p.m. to 11:00 p.m. for a bazaar. Approximately 3,000 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (5 microphones, 4 speakers and 1 amplifier). PERMIT # 05-056 [Mike Garcia] **(District 6)**
NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. TXDOT FORM LETTER. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.
- 8B.** Kern Place Merchants Association to use amplification (4 amps, 4 mics and 6 speakers) 3 speakers on Stanton facing Mesa and 3 speakers on Mesa facing Stanton on July 30, 2005 from 4:00 p.m. to 2:00 a.m. Approximately 25 persons will take part and 5,000 spectators are anticipated. PERMIT # 05-055
[Rico Velazquez] **(District 1)**
THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 8C.** Sacred Heart Church to hold a procession on June 3, 2005 from 6:00 p.m. to 7:30 p.m. Route: Start at Sacred Heart Church – 602 S. Oregon St, turn left on S. Oregon St. to Fr. Rahm, turn left on Fr. Rahm to Ochoa, turn right on Ochoa to Fr. Pinto Elderly Housing parking lot, turn back around on Ochoa to Seventh, turn left on Seventh to Kansas, turn left on Kansas to Eighth, turn right on Eighth to S. Oregon St., turn right on S. Oregon St. and finish at the church. Approximately 150 persons and 2 vehicles will take part. This request includes permission to use amplification (1 speaker and 1 amplifier). PERMIT # 05-059

[Fr. Rafael Garcia] **(District 8)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL POLICE THE EVENT WITH 5 OFFICERS AND 5 VEHICLES. ESTIMATED COST TO CITY: \$262.50; ESTIMATED COST TO APPLICANT: \$112.50. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 8D.** Sacred Heart Church to block off S. Oregon between Fr. Rahm and Fourth on June 3, 2005 from 6:00 p.m. to 11:59 p.m. and June 4, 2005 from 10:00 a.m. to 11:59 p.m. for a block party. Approximately 50 persons will take part and 60 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-060 [Fr. Rafael Garcia] **(District 8)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

REGULAR AGENDA

9. INTRODUCTION OF ORDINANCES PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:

- 9A.** An Ordinance granting a Special Privilege to Regent Communications-El Paso to temporarily close a portion of Santa Fe Street between Franklin Avenue and San Antonio Avenue; San Francisco Avenue (Trolley Lane) between Santa Fe Street and El Paso Street; Durango Street (access road abutting Convention Center) between San Francisco Avenue and San Antonio Avenue; and Main Drive between Santa Fe Street and El Paso Street from 6:00 a.m. on Friday, July 1, 2005 through 4:00 p.m. on Monday, July 4, 2005 for the El Paso Downtown Street Festival. *(Fee: \$300.00, SP-05006)* **(District 8)**

[Planning Research and Development, Esther Guerrero, (915) 541-4720]

- 9B.** An Ordinance rescinding Ordinance 9272 as amended by Ordinances 11363 and 11651 which granted a Special Privilege License to Border Cab Company for use of certain City right-of-way. **(District 8)**

[Planning, Research & Development, Rudy Valdez, 541-4635]

- 9C.** An Ordinance partially rescinding Ordinance 13388 as amended by Ordinances 13851 and 13958 which granted a Special Privilege License to Ysleta Independent School District for use of certain City right-of-way. **(District 5)**

[Planning, Research & Development, Rudy Valdez, 541-4635]

PUBLIC HEARING WILL BE HELD ON JUNE 14, 2005 FOR ITEMS 9A – 9C

- 9D.** An Ordinance changing the zoning of Lot 108, Block 1, Bischoff Addition, El Paso, El Paso County, Texas from A-3 (Apartment) to C-1 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: David Amaton Diaz. ZON05-00005 **(District 8)**
[Planning, Research and Development, Christina Valles, (915) 541-4930]
- 9E.** An Ordinance changing the zoning of a portion of Tract 269 and all of Tract 270, Sunrise Acres Addition, El Paso, El Paso County, Texas from [R-4 (Residential) to R-3A (Residential)]. The penalty is as provided for in Chapter 20.68 of The El Paso Municipal Code. Applicant: Fidel Tibuni. ZON05-00025 **(District 2)**
[Planning, Research and Development, Christina Valles, (915) 541-4930]
- 9F.** An Ordinance granting Special Permit No. ZON05-00026, to allow for a Planned Residential Development on a portion of Tract 269 and all of Tract 270, Sunrise Acres Unit One, El Paso, El Paso County, Texas pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Fidel Tibuni. ZON05-00026 **(District 2)**
[Planning, Research and Development, Christina Valles, (915) 541-4930]
- 9G.** An Ordinance changing the zoning of Parcel 1: A portion of Section 21, Block 81, Township 1, El Paso, El Paso County, Texas from [R-F (Ranch-Farm) to R-3A (Residential)], and Parcel 2: A portion of Section 21 and 22, Block 81, Township 1, El Paso, El Paso County, Texas from [R-F (Ranch-Farm) to A-2 (Apartment)]. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Tropicana Development, Inc. ZON05-00028 **(District 4)** [Planning, Research and Development, Christina Valles, (915) 541-4930]

PUBLIC HEARING WILL BE HELD ON JUNE 21, 2005 FOR ITEMS 9D – 9G

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

10. PUBLIC HEARINGS – CITY MANAGER:

- 10A.** An Ordinance repealing Ordinance No. 15893, granting the authority to the City Manager or the Department Head to enter into and sign certain Personal, Professional, Independent and Volunteer Service Contracts on behalf of the City and to create a new Ordinance on the same subject.
[City Manager, Joyce A. Wilson, (915) 541-4844 and City Attorney's Office, Elaine Hengen, (915) 541-4550] POSTPONED FROM 05/03/05, 04/12/05 AND 03/15/05
- 10B.** An Ordinance granting the authority to the City Manager or his or her designee to make provisional and temporary employee appointments in accordance with the El Paso City Charter.
[City Manager, Joyce A. Wilson, (915) 541-4844 and City Attorney's Office, Elaine Hengen, (915) 541-4550] POSTPONED FROM 05/03/05, 04/12/05 AND 03/15/05

11. PUBLIC HEARING – HUMAN RESOURCES:

[Human Resources, Terry A. Bond, (915) 541-4509]

An ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 1, Civil Service Commission, Section 10, Commission Recorder, to clarify disciplinary procedures. POSTPONED FROM 05/24/05, 05/17/05 AND 05/03/05

12. PUBLIC HEARING – PLANNING, RESEARCH AND DEVELOPMENT:

An Ordinance granting a Special Privilege to the El Paso Empowerment Zone to temporarily close portions of Texas Avenue, Florence Street, Ochoa Street, Virginia Street, St. Vrain Street, Ange Street, and Octavia Street on June 18, 2005, June 19, 2005, September 4, 2005 and October 29, 2005 for the "Texas Avenue Street Festivals". (Fee: \$350.00, SP-05005) **(District 8)**

[Planning Research and Development, Esther Guerrero, (915) 541-4720]

- 13.** The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov>